Khyali Ram vs. State of Rajasthan
(S.B.Criminal Revision No.398/93)

Dated:- 17.1.2007.

HON'BLE MR.JUSTICE G.S.SARRAF

Mr. S.K.Pooniya,for the petitioner.
Mr.S.N.Tiwari, Public Prosecutor.

This is a revision petition against the judgment dated 2.11.1993 of Additional District and Sessions Judge, Nohar upholding the judgment dated 15.12.1990 passed by Munsif and Judicial Magistrate, Ist Class, Nohar convicting and sentencing the petitioner as under :-

326 IPC - Two years' rigorous imprisonment and a fine of Rs.500/-
325/149 IPC- One year rigorous imprisonment and a fine of Rs.500/-
324/149 IPC- One year rigorous imprisonment and a fine of Rs.500/-
447 IPC- A fine of Rs.200/-
148 IPC - One year rigorous imprisonment and a fine of Rs.200/-.
In default of payment of every fine, further imprisonment for one month.

Learned counsel for the petitioner does not challenge the judgments of the two courts below on merits and his only prayer is that since it is a very old matter, a lenient view may be taken and the sentence of imprisonment may be reduced to a period already undergone by the petitioner.

The occurrence is of the year 1983 and thus a period of more than 23 years has elapsed since the occurrence. Seven co-accused persons who were acquitted for the offence u/ss. 326/149

IPC and who were convicted u/ss. 148, 447, 323/149, 324/149 and 325/149 IPC have been released on probation by first appellate court. The offence u/s 326 IPC relates to a grievous injury on left index finger suffered by the injured Mohan.

Having regard to the facts and circumstances of the present case and more particularly the fact that the ocurrence had taken place about 23 years back I deem it fit to partly allow this revision petition and while maintaining the conviction of the accused-petitioner by the trial court and confirmed by the first appellate court, I reduce the sentence of imprisonment to a period already undergone by him and the sentence of fine is maintained.

The revision petition stands disposed of as above.

(G.S.SARRAF),J.